

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DATE FILED: 11/27/2023

NELI INTERNATIONAL INCORPORATED,

Plaintiff,

-against-

**PREMIER RESTAURANT GROUP, LLC, et
al.,**

Defendants.

23-CV-02725 (ALC)

**ORDER ENTERING
DEFAULT JUDGMENT**

ANDREW L. CARTER, JR., United States District Judge:

Plaintiff NELI INTERNATIONAL INCORPORATED brings this action against Defendants PREMIER RESTAURANT GROUP, LLC (“Premier”); FOREVER BRANDS OPERATING COMPANY, LLC (“Forever Brands”); CHEEBURGER OPERATING COMPANY, LLC (“Cheeburger”); CHEEBURGER VA, LLC (“Cheeburger VA,” together with Premier, Forever Brands, and Cheeburger, “Defaulted Defendants”); and ANTHONY WEDO (“Wedo” and collectively with the Defaulted Defendants “Defendants”), asserting claims to enforce its rights under the loan agreement, guaranties, and related loan documents. (See generally, Compl., ECF No. 1). The Court having previously appointed Summa Franchise Consulting, by and through its principal, Robert R. Stidham, Jr. (the “Receiver”), as a receiver to hold, safeguard and preserve certain personal property securing the aforesaid loan agreement, guaranties, and related loan documents (ECF No. 33), and after the Defaulted Defendants failed to answer or otherwise respond to the Complaint filed in this action, the Court having entered an order of default against the Defaulted Defendants. (ECF No. 74).

Accordingly, upon the Declaration of Robert R. Stidham, Jr., the Declaration of Mark S. Lichtenstein, counsel for Plaintiff, NELI INTERNATIONAL INCORPORATED, the

Memorandum of Law in support of Plaintiff's motion authorizing and approving the sale of personal property by the Receiver, all of which are dated November 24, 2023, and all exhibits attached thereto, as well as all prior pleadings, papers and proceedings filed or had in this action, it is hereby **ORDERED** that Defendants, and their franchisees, creditors, former or current employees, taxing authorities, and equity holders SHOW CAUSE before this Court in writing by affidavit and memorandum of law on or before December 1, 2023 as to why an Order should not be issued (i) pursuant to 28 U.S.C. §§ 2001 and 2004 exercising the Court's discretion to authorize the sale of certain personal property of the Receivership estate pursuant to the procedures set forth in the Stidham Declaration free and clear of liens, claims, interests and encumbrances with such liens, claims, interests, and encumbrances to attach to the sale proceeds; (ii) to approve said sale or sales; (iii) directing that the Receiver distribute the proceeds received from the Collateral in accordance with the Sale Approval Order to be entered by the Court as set forth below to be paid to the holders of liens, claims, interests and encumbrances in their order of priority; and (iv) for such other relief as the Court may deem appropriate.

Plaintiff is directed to serve a copy of this Order to Show Cause and the papers upon which it is based on Defendants, and on all known franchisees, former or current employees of Defendants, taxing authorities, secured creditors, if any, unsecured creditors, and equity holders by overnight courier for next day delivery on or before November 28, 2023. Plaintiff shall file proof of service with the Court by November 28, 2023.

Plaintiff or the Receiver shall supplement its moving papers on or before December 31, 2023 with a Declaration of the Receiver identifying the highest and best offer received for the Collateral (the "Winning Bidder") and providing the Court with an Asset Purchase Agreement, or Agreements if the sale is to more than one Winning Bidder, executed by the Winning Bidder(s)

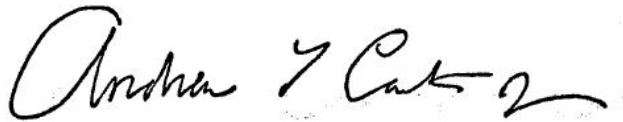
and shall serve those papers on Defendants, and on all known creditors (secured and unsecured), franchisees, equity holders, former and current employees of the Defaulted Defendants, and taxing authorities of the Defaulted Defendants on or before December 31, 2023 by overnight courier for next day delivery. Plaintiff shall file proof of service with the Court by December 31, 2023.

The Defendants and all known franchisees, former or current employees, taxing authorities, secured creditors, if any, unsecured creditors, and equity holders shall serve and file any Affidavit, Declaration or Memorandum of Law in opposition to this motion and Plaintiff's supplemental submission on or before December 1, 2023.

The Court will hold a telephonic hearing in this matter on December 11, 2023 at 4:30 PM Eastern Time. The parties shall appear and should contact the Court at 1-888-363-4749 (access code: 3768660).

SO ORDERED.

Dated: November 27, 2023
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", with a stylized flourish at the end.

ANDREW L. CARTER, JR.
United States District Judge